



# City of Annapolis

Department of Planning & Zoning  
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## Board of Appeals

March 16, 2011

The regular meeting of the Board of Appeals of the City of Annapolis was held on March 16, 2011 in the City Council Chambers. Chair Elkington called the meeting to order at 7:08pm.

Present: **Chair** Elkington, **Vice Chair** Latham, Gregory, Oliver-Yancey

Staff Present: Arason, Smith, K. Hardwick-City Attorney, T. Hook-Recorder

The agenda was approved as submitted.

### **1. Appeal of Douglas W. Shaw and Mae Hancock, APL2010-002**

Mr. Arason presented the appeal by Douglas W. Shaw and Mae Hancock regarding the construction of a fence on property located at 319 Chester Avenue. He concluded that he believes the Planning and Zoning Department acted in the appropriate manner when remitting this fence permit back to DNEP after review.

Ms. Hancock, Appellant, appeared before the Board and spoke on the application.

Mr. Shaw, Appellant, appeared before the Board and spoke on the application.

Mr. Hall, Attorney, appeared before the Board on behalf of the applicant, spoke on the application.

Ms. Reddick, Applicant, spoke on the application.

The following exhibits were presented at the hearing.

Exhibit Number	Board of Appeals Exhibit Types
1	Staff Memorandum dated March 16, 2011
2	Real Property Data Search View Map
3	Letter from Mae Hancock
4	Letter from Douglas W. Shaw
5	Letter from Jim Allsop
6	Email from Ms. Sharon Durland March 15, 2011
7	Email from Dianne Dodson dated March 16, 2011
8	Email from John Gebhardt dated March 14, 2011
9	Letter from Ronald J. Booth
10	Letter from Janet Simms dated March 16, 2011
11	Exhibit Packet from C. Christopher Ledoux
12	Email from J. Holschuh to Mayor dated January 7, 2011
13	Written Testimony of Diane Butler dated March 16, 2011
14	Letter from Vic Pascoe dated March 16, 2011
15	Letter from Mr. Vic Pascoe as Eastport Civic Association President

Public testimony opened at 8:22pm and those speaking on the application are listed below. No one else from the public spoke on the application, Chair Elkington declared the public testimony closed at 9:40pm. At the consensus of the Board, Chair Elkington reopened the public testimony at 9:43pm to

allow further testimony and with there being no further testimony, declared the public testimony closed at 9:47pm.

<b>Name</b>	<b>Address</b>	<b>In Favor</b>	<b>In Opposition</b>
<b>Robert Eades</b>	32 Pleasant Street		<b>X</b>
<b>Ronald Booth</b>	314 Chester Avenue	<b>X</b>	
<b>Lorraine Murray-Thomas</b>	1361 Chestnut Avenue	<b>X</b>	
<b>George McCullough</b>	320 Chester Avenue	<b>X</b>	
<b>Robert Anthony Ford</b>	301 Chester Avenue		<b>X</b>
<b>Jeff Balko</b>	525 Fourth Street	<b>X</b>	
<b>Daniel Repasty</b>	518 Fourth Street	<b>X</b>	
<b>Chris Ledoux</b>	215 Severn Avenue	<b>X</b>	
<b>Sarah Robertson</b>	521 Burnside Street	Spoke on	the application.
<b>Michael Matthews</b>	524 Third Street	<b>X</b>	
<b>Heidi Halleck</b>	512 Fourth Street	<b>X</b>	
<b>Alderman Kirby</b>	City Council		<b>X</b>
<b>Diane Butler</b>	407 Third Street	<b>X</b>	
<b>Vic Pascoe</b>	308 Chester Avenue	<b>X</b>	
<b>Alderman Finlayson</b>	City Council		<b>X</b>

Mr. Shaw indicated that there was no notification that the fence would be constructed and also noted that he filed the appeal within the time constraints.

Mr. Hall noted that the applicant has done whatever is necessary to comply with the requirements and also there are other 8-foot fences in Eastport.

Ms. Reddick explained that one side of the fence was lowered to 6-feet and addressed the concerns regarding water view.

Chairman Elkington noted to the extent possible, every piece of written testimony and all oral testimony shall be given the weight that it deserve by the members of this Board; to the extent that such testimony shall be excluded under the hearsay laws of the State of Maryland and under the rules of evidence of the State of Maryland and/or under the rules of evidence authentication rules of the State of Maryland such evidence will be given zero weight by the Board of Appeals.

It was the consensus of the Board to defer the deliberations on this agenda item to the April 20, 2011 meeting to allow for further consideration of the application.

Mr. Gregory moved to adjourn the meeting at 10:49pm. Ms. Oliver-Yancey seconded the motion. The motion passed unanimously in a vote of 4-0.

Tami Hook, Recorder